Public Notice

U.S. Army Corps of Engineers
Buffalo District
CELRB-TD-R

Applicant:
Sackets Harbor Yacht Club, LLC

Published: 24 March 2014
Expires: 23 April 2014

Application No: 2008-00100
Section: NY

All written comments should reference the above Application No. and be addressed to:
US Army Corps of Engineers, Buffalo District
(Attn:) Judy A. Robinson
1776 Niagara Street
Buffalo, NY 14207

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

Application for Permit under Authority of
Section 10 of the Rivers and Harbors Act of 1899 and
Section 404 of the Clean Water Act (33 U.S.C. 1344)

APPLICANT: Sackets Harbor Yacht Club, LLC (SHYC)
P.O. Box 540
Sackets Harbor, New York 13684-0540

WATERWAY & LOCATION: Henderson Bay, Lake Ontario (Section 10 Navigable Water); Bass Island, Town of Hounsfield; Jefferson County, New York

LATITUDE & LONGITUDE: Latitude North: 43.92435
Longitude West: -76.1673

EXISTING CONDITIONS: Mr. Maxon (dba Sackets Harbor Yacht Club, LLC) owns the entirety of Bass Island (Island); which was once a U.S. Coast Guard outpost. Since 2008, Mr. Maxon has been renovating the former Coast Guard building and the surrounding grounds on the Island. Renovations and improvements are proposed so that the Island can be used as a recreational destination for members of the SHYC, and for private parties, weddings, etc. Two (2) partially submerged concrete docks exist within a mooring basin formerly utilized by the Coast Guard. Mr. Maxon learned that when the Coast Guard outpost was in operation, protection of the mooring area had been attempted by a solid concrete/ limestone crib breakwater built in the 1950s. This structure

was crushed by ice action in Lake Ontario only a year or two after construction. Rubble from the structure is scattered around the surviving concrete docks, which once served as boat slips. In 2009, a Letter of Permission was authorized for the excavation of approximately 611 cubic yards of accumulated material to re-establish a mooring basin between the two (2) existing concrete docks. A 50-foot concrete seawall was constructed above ordinary high water (OHW) to connect the two (2) docks. In addition, approximately 1800 cubic yards of limestone and 40 cubic yards of concrete rubble from the crushed crib structure described above was removed and relocated above OHW along the shoreline as added protection to the material naturally deposited there. The application states that the 2009 dredging activity revealed that the concrete docks were unstable. Both concrete docks were constructed on the bedrock lakebed. Dock 1 measures 48-feet long x six (6)-feet wide x six (6)-feet high; Dock 2 measures 80-feet long x six (6)-feet wide x six (6)-feet high (Sheet 3 of 8).

Mr. Maxon uses a pontoon boat to transport renovation materials and passengers to the Island. He stated that wave action within the unprotected mooring basin and the unstable condition of the docks, made unloading supplies a challenge and passengers found it difficult to disembark.

SHYC has indicated that development of the Island as a commercial recreational destination must include providing safe access to the mooring basin for the safe transport of people and materials, and maintained dockage for safety and aesthetic purposes.

PROPOSED WORK: SHYC proposes the following as wave protection and renovation of the re-established mooring basin:

Breakwater:
Installation of two (2) 40-foot long x eight (8)-foot wide x eight and one half (8.5)-foot high open top shipping containers that will serve as a breakwater to protect the mooring basin. The structure is proposed perpendicular to Dock 2 with a seven and one half (7.5)-foot distance between Dock 2 and the containers. The containers would be reinforced with interior I beams welded to the sides, filled with stone half way so that cross beams could be anchored to the interior I beams for structural stability, and then filled to the top with stone (200 total cubic yards). The containers would be capped with either pressure treated timbers or concrete. Further, although not the primary purpose, the breakwater would serve the secondary benefit of providing additional docking. Therefore, SHYC is proposing installation of a 12-foot long x four (4)-foot wide aluminum ramp with railings connecting Dock 2 to the shipping container breakwater with a seven and one-half (7.5)-foot x four (4)-foot wide portion of the structure over the water (Sheets 4 and 8 of 8). The breakwater structure would protect the docks and boat launch from wave action and damaging southeast winds, and would also provide additional docking opportunities. The main function of the breakwater structure is wave protection of the mooring basin to provide safe access for transport of supplies and people to the Island.

Boat Ramp:
Installation of a new 12-foot x 25-foot pre-cast concrete boat ramp adjacent to Dock 1. The structure's footprint measures 300 square feet with 240 square feet below OHW (Sheet 7 of 8).

- Removal of a 12-foot x six (6)-foot x six (6)-foot (16 cubic yard) section of Dock 1 to provide space for the boat ramp (Sheet 4 of 8).

- Dredge approximately 48 cubic yards of material to prepare the area for construction of the boat ramp. Dredged material will be disposed of on upland areas of the Island.

Renovation to Concrete Dock 1 (after removal of a 12-foot section for the new boat ramp): Place sheet piling six (6)-inches away from the existing concrete structure and secure with metal rods. Sheet piling will be temporarily held in place on the outside by concrete blocks. The six (6)-inch space will be filled with concrete and the concrete blocks will be removed when the concrete has set. The sheet pile "wrap" will be limited to the perimeter exposed to water (36-feet + six (6)-feet+12-feet = 54 linear feet). The concrete fill measures 15 linear feet x one-half (0.5)-foot space x six (6)-feet high (162 cubic feet) with 135 cubic feet below OHW (Sheets 5 and 6 of 8).

Stack five (5) five-foot diameter concrete blocks at the end of Dock 1 to be used as an adjustable step-down (25 square feet for the structure with approximately 20 square feet anticipated below OHW) (Sheet 4 of 8).

Renovation to Concrete Dock 2: Place sheet piling six (6)-inches away from the existing structure and secured with metal rods. Sheet piling will be temporarily held in place on the outside by concrete blocks. The six (6)-inch space will be filled with concrete and the concrete blocks will be removed when the concrete has set. The sheet pile "wrap" will be limited to the perimeter exposed to water (80-feet + six (6)-feet + six (6)-feet = 92 linear feet). The concrete fill measures 92 linear feet x one-half (0.5)-feet x six (6)-feet high (276 square feet) with 230 square feet below OHW (Sheets 5 and 6 of 8).

Dredge approximately two (2) cubic yards of material for installation of sheet piling at the south end of Dock 2. Dredged material will be disposed of on upland areas of the Island.

Work would be conducted by barge. Any displacement of water by concrete will be pumped upland.

PROJECT PURPOSE: (Note: only applies to the breakwater structure, as other components of the project qualify for authorization under Nationwide Permits)

Basic: Wave attenuation

Overall: Construction of a breakwater to protect existing structures and mooring basin and to provide safe navigation within the mooring basin.

AVOIDANCE AND MINIMIZATION INFORMATION: Only breakwater considerations are described below. The proposal for dock renovations and boat ramp installation remain the same as described above for all Alternatives as these activities are minor and may qualify for authorization under Nationwide Permits No. 3 and 36.

Alternative 1: Rebuild a solid crib structure that would serve as a breakwater. This option was not considered as practical based on the historic information documenting destruction of the previous crib structure caused by wave and ice damage.

Alternative 2: Floating breakwater that could be removed seasonally. This option was not considered as practical because it would not provide the desired protection for the mooring area and renovated concrete docks during the winter months.

Alternative 3: Placement of only one (1) stone-filled shipping container that would be attached to existing Dock 2. This option was deemed impractical because the design would not allow through flow for littoral drift and it was anticipated that this configuration would result in sediment capture within the recently dredged basin. Drilling holes in the container was discussed, but determined as not practical. Further, it did not appear that one 40-foot container would provide the desired protection of the mooring basin and dock structures. Loss of lake-bottom habitat was considered; however, the lake bottom at this location is bedrock and the predominant concern was impediment of littoral drift.

Alternative 4: Design of a breakwater utilizing sheet piling instead of shipping containers was discussed. As described in Alternative 3, the lake bottom in this area is bedrock and driving sheet pile into this substrate was not deemed feasible.

Alternative 5: Preferred Alternative. Placement of two (2) 40-foot x eight (8)-foot x eight and one-half (8.5)-foot shipping containers that will allow a seven and one-half (7.5)-foot through flow between existing Dock 2 and the containers. Loss of lake-bottom habitat was considered; however, the lake bottom at this location is bedrock. This proposal addressed the potential impediment of littoral drift, and is described above in detail above under "Proposed Work."

Location and details of the above described work are shown on the attached maps and drawings.

Comments or questions pertaining to the work described in this notice should reference the Application Number and be directed to the attention of Judy Robinson who can be contacted at the above address, by calling 315-704-0255, or by e-mail at: judy.a.robinson@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

The applicant has certified that the proposed activity complies with New York's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. General Concurrence was issued by the New York State Department of State (NYSDOS) for this work on November 19, 2013 (NYSDOS Reference Number F 2013-0584). Any comments on the consistency of the proposed activity with New York State's Coastal Zone Management Program should be forwarded to:

New York Department of State
Division of Coastal Resources
Coastal Management Program
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231
Attn: Consistency Review
Telephone (518) 486-3200

The following authorization is required for this project:

Water Quality Certification by the New York State Department of Environmental Conservation was issued on February 3, 2014 (NYSDEC ID No. 6-2238-00194/00006).

The project permit area, as shown on Sheet **4** of **8,** does not appear to be located within a archaeologically sensitive areas as identified by the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) or properties listed in, or eligible for listing in, the National Register of Historic Places based on preliminary findings. This notice constitutes initiation of consultation with the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) per Section 106 of the National Historic Preservation Act. All currently available historic resource information pertaining to this proposed project if any has been provided to the NYSOPRHP. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the NYSOPRHP for their review.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers is consulting, under separate cover, with the USFWS to evaluate any potential impacts to the Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*) and to ensure that the proposed activity is not likely to jeopardize their continued existence or result in the destruction or adverse modification of critical habitat. Note that there is no critical habitat identified within the project area.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, or a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its

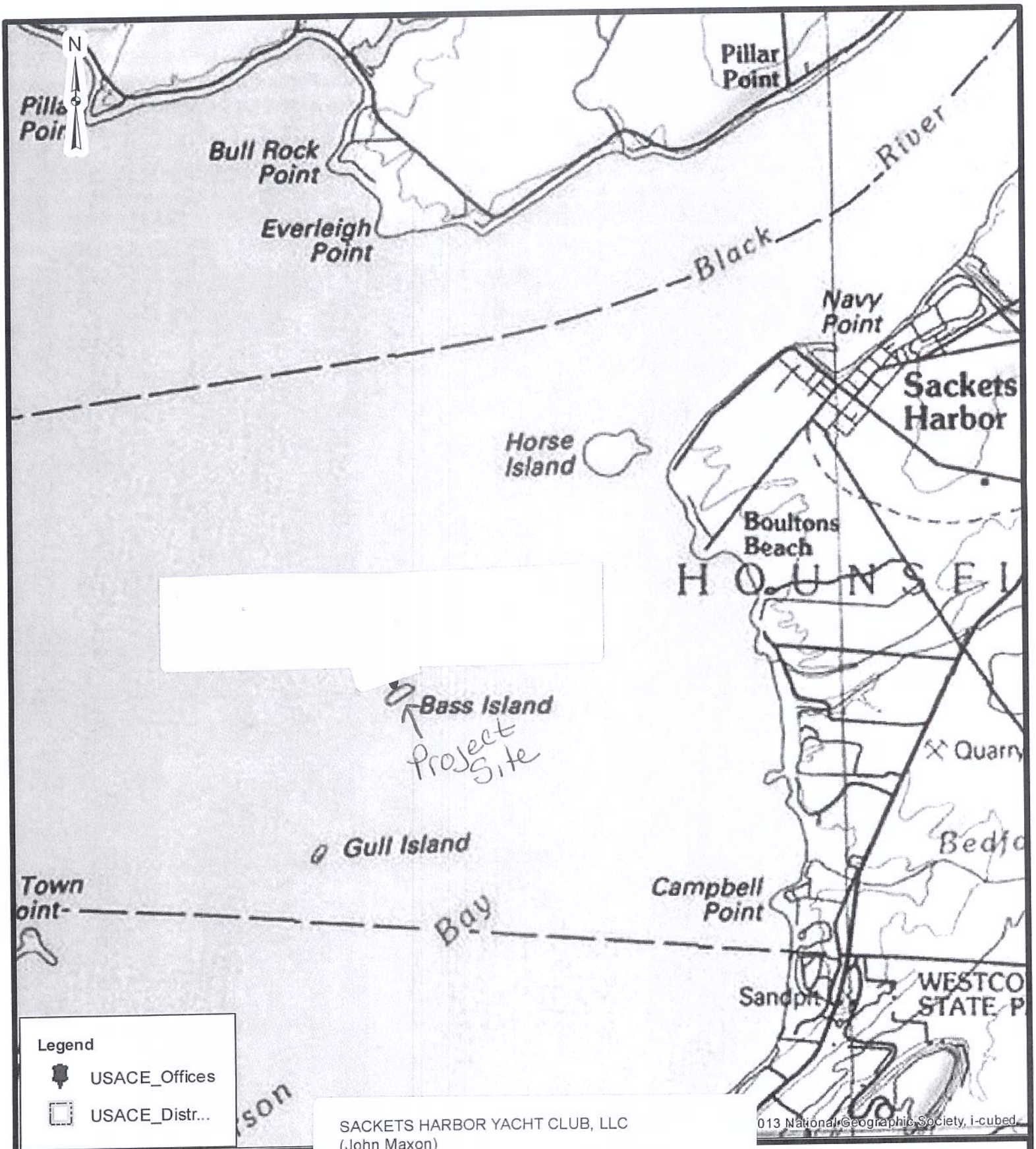
reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SIGNED

Diane C. Kozlowski
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for **30** days from the date of issuance.



SACKETS HARBOR YACHT CLUB, LLC
(John Maxon)
D/A Processing No. 2008-00100
Jefferson County, New York
Quad: Henderson Bay, NY

Sheet 1 of 8

US Army Corps of Engineers®
Buffalo District
BUILDING STRONG®

0 1 2 Miles

This map was produced using the LRB GIS Flex web application on: 10 Mar 2014

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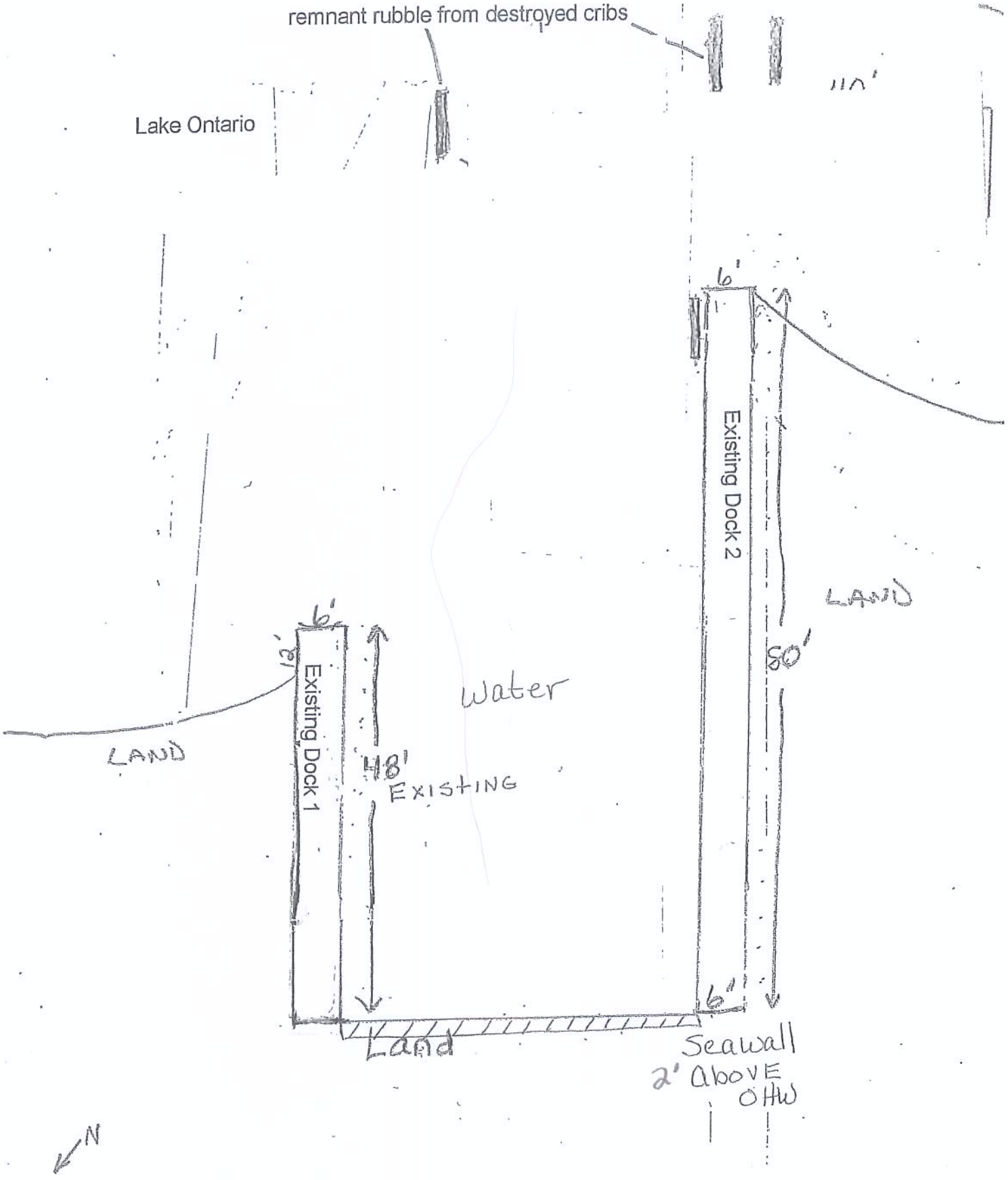
Sheet 2 of 8



Existing Conditions

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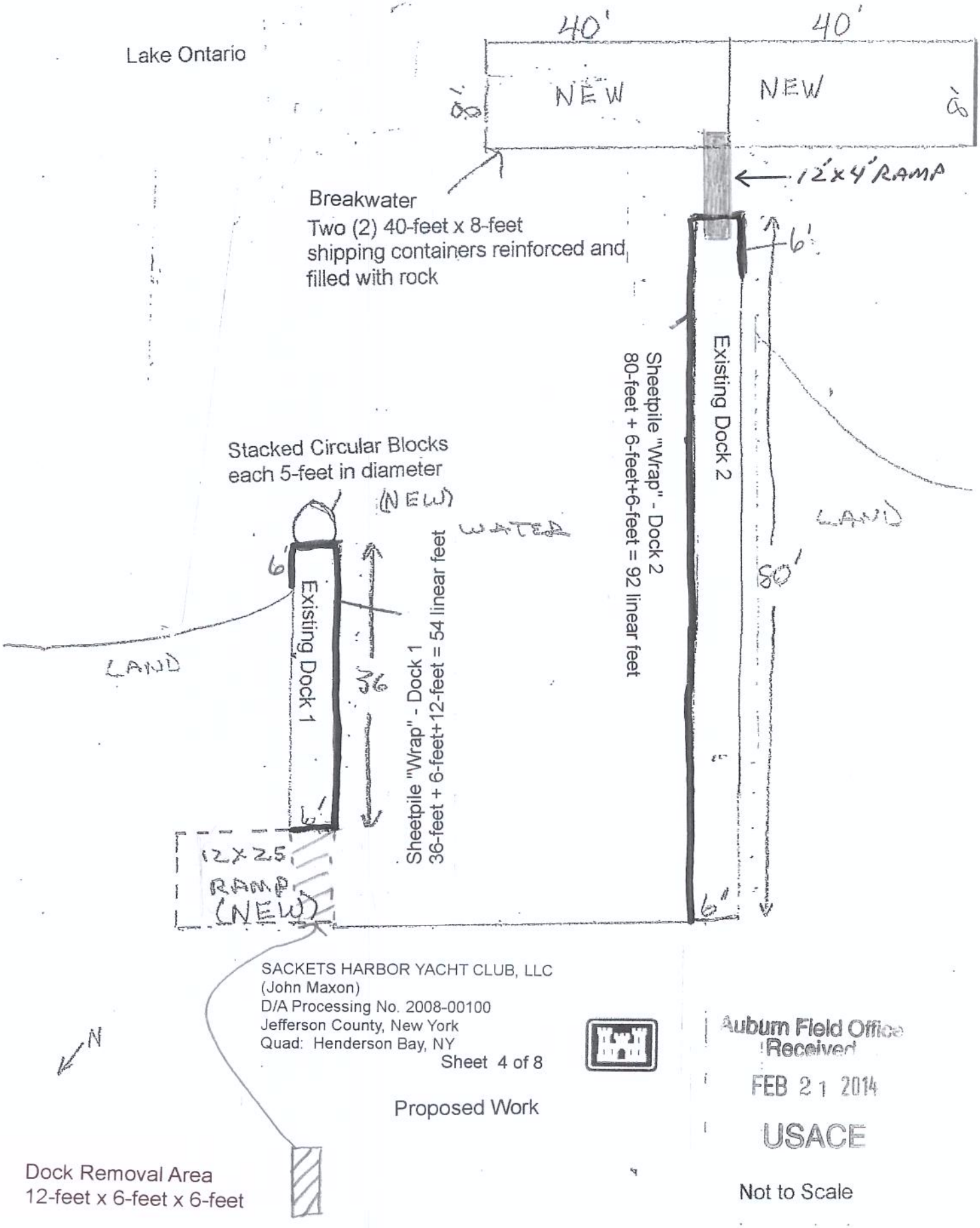
Not to Scale



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Sheet 4 of 8

Proposed Work

Dock Removal Area
12-feet x 6-feet x 6-feet

Auburn Field Office
Received
FEB 21 2014
USACE

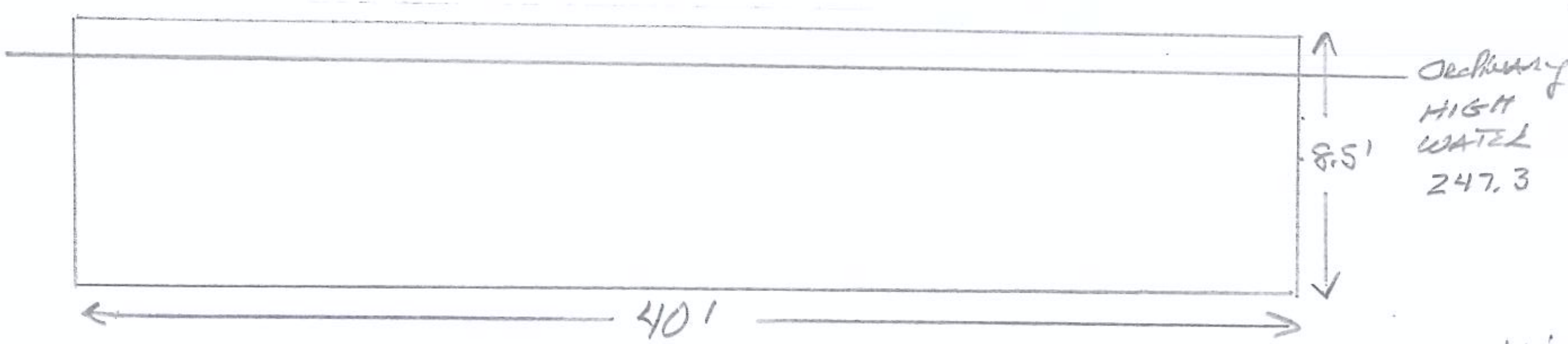
Not to Scale

2/5/14

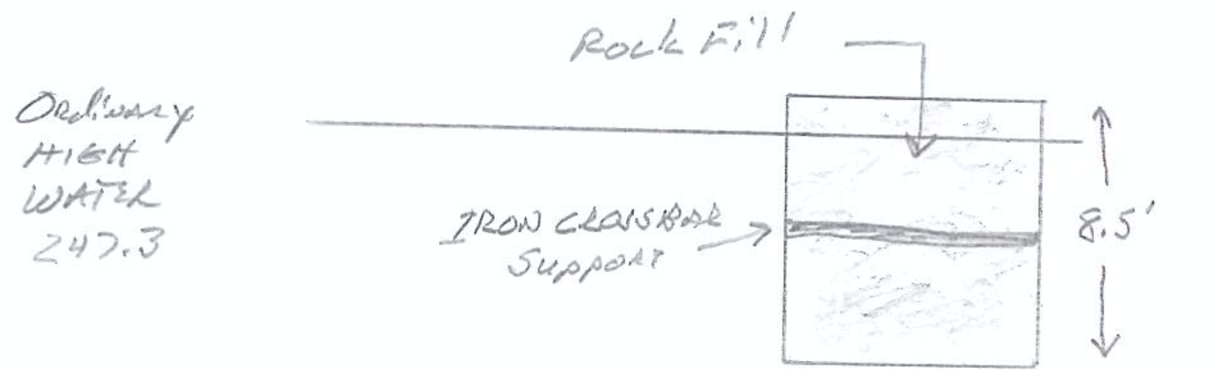
Profile View
Open top shipping container

Capped with concrete or treated timber

Auburn Field Office
Received
FEB 10 2014
USACE



Cross View



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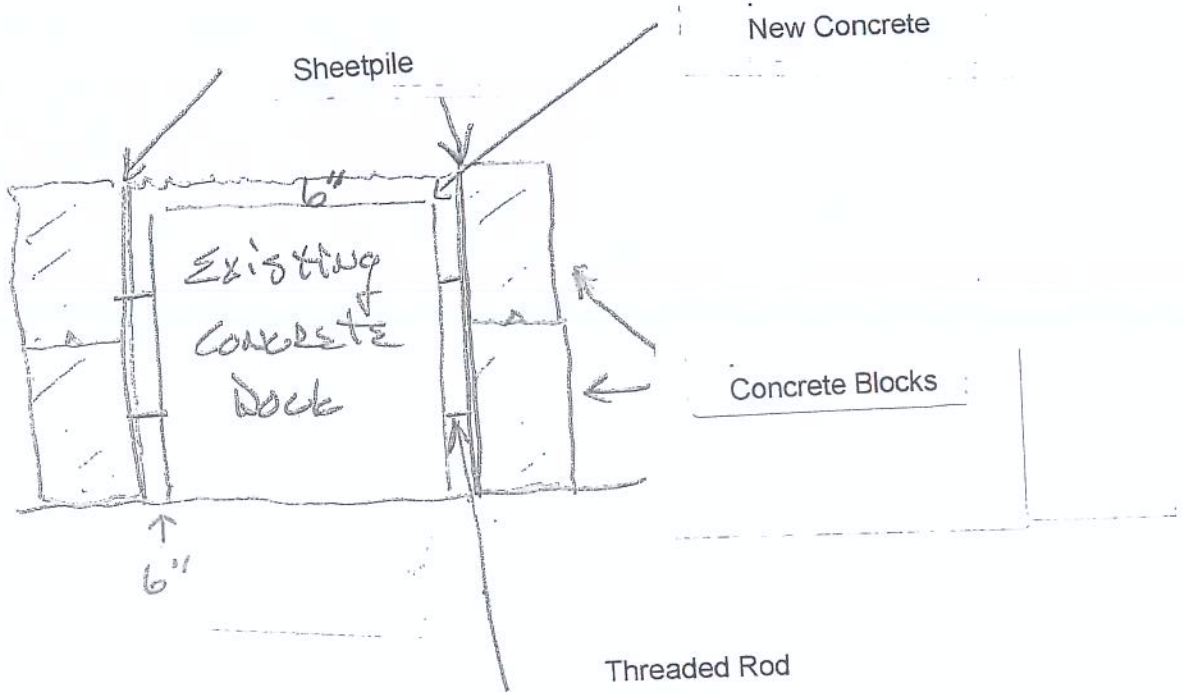
Sheet 5 of 8

Profile for new concrete "wrap" around
Existing Docks 1 and 2.

A concrete pouring form will be made by attaching sheetpile around the perimeter of the existing docks, attaching it with threaded rod, and stacking concrete blocks against the sheetpiling for support. The blocks will be removed after the concrete is set.



Not to Scale

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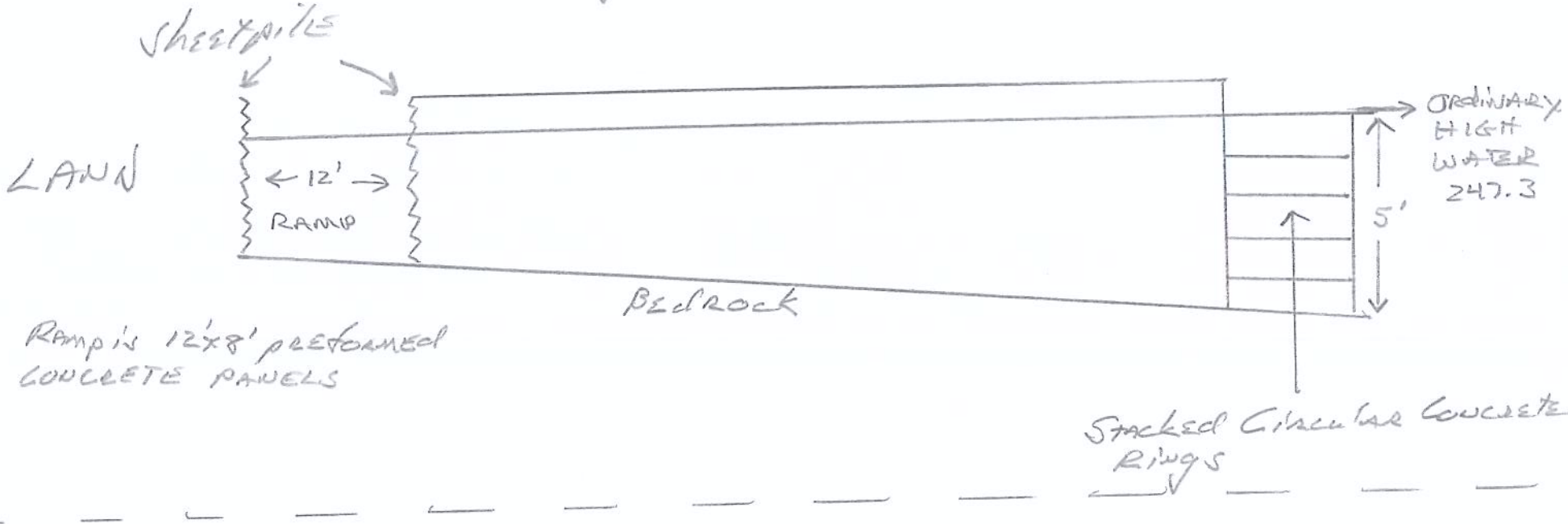
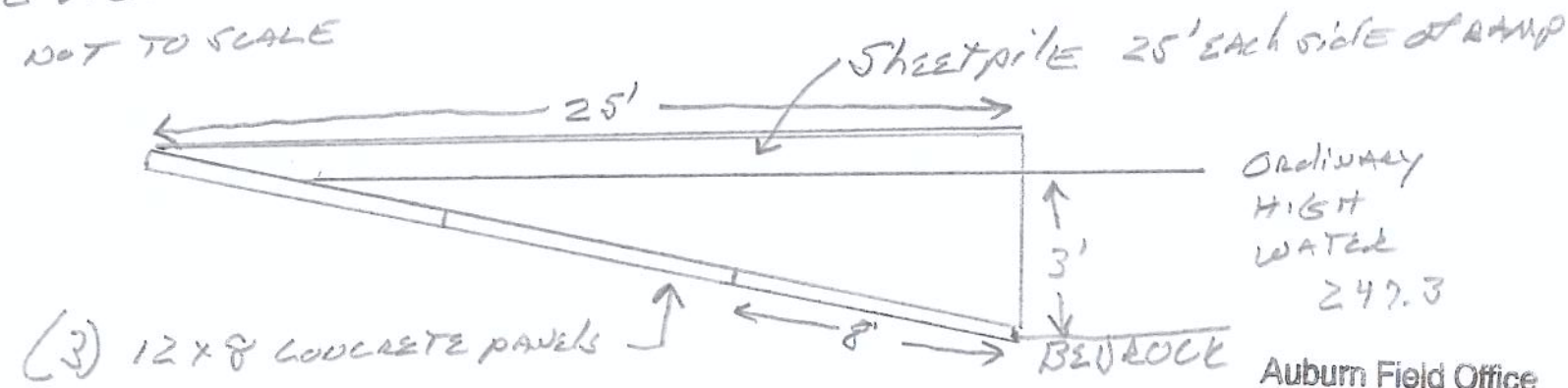
2/5/14

Existing Dock #1 Profile View NOT TO SCALE



Ramp is 12'x8' preformed concrete panels

Ramp Profile View NOT TO SCALE



Remove 48 cubic yards of material to install the 12-feet x 25-feet concrete slab ramp

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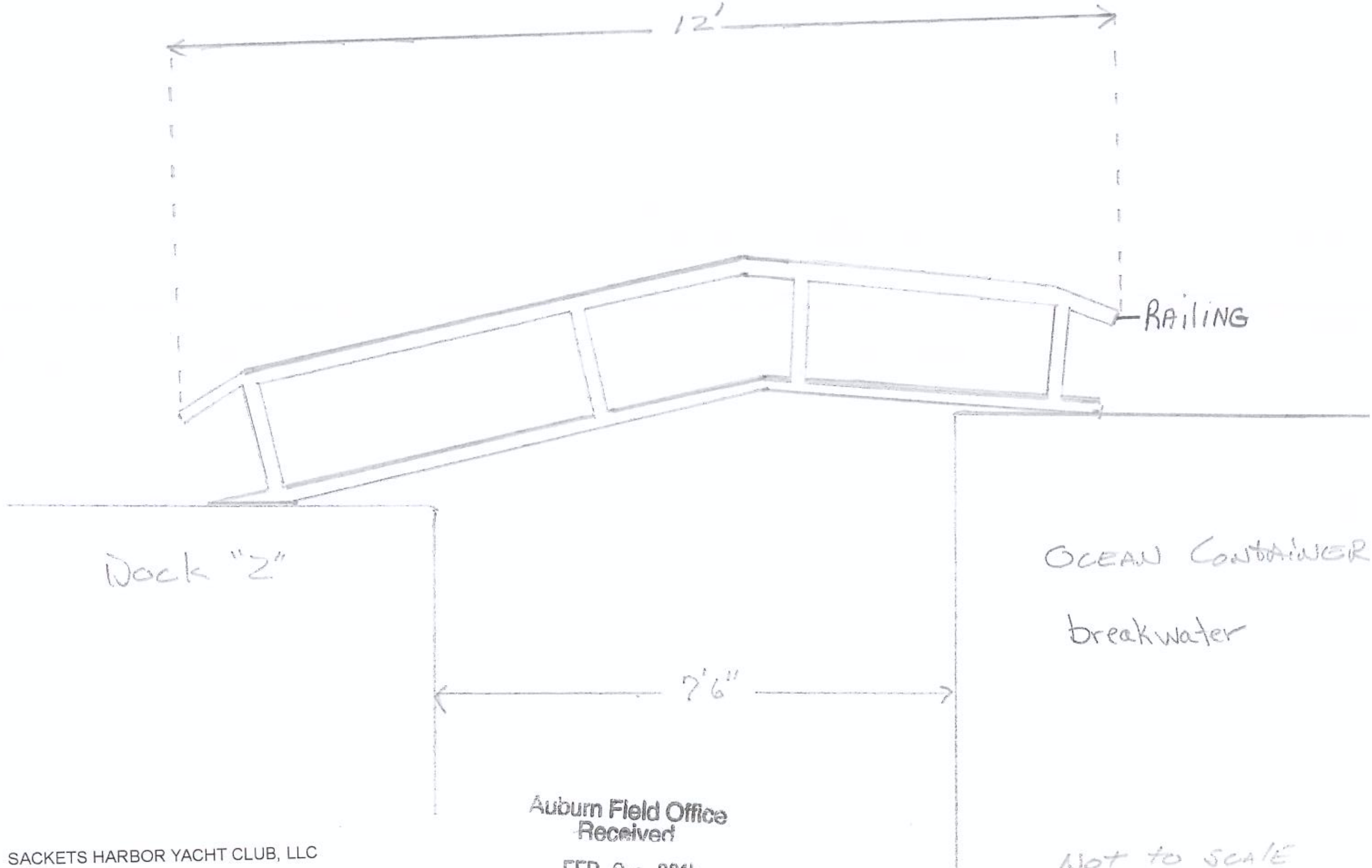
SHYC -

Side View 2/13/14
Pedestrian Ramp with hand rails



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